

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TAMIKA HARTLEY,

Plaintiff,

No. 16-10916

v.

District Judge David M. Lawson
Magistrate Judge R. Steven Whalen

DAVID JOHNSON, ALAN GREASON,
SONAL PATEL, MICHAEL NOWAK,
RODERICK KILGORE, DENISE
ARMSTRONG, ANTHONY STEWART,
HEIDI WASHINGTON, and BRUCE
CURTIS,

Defendants.

**ORDER VACATING STAY AND DISMISSING WITHOUT PREJUDICE
DEFENDANTS' MOTION TO DISMISS [Doc. #23]**

On March 7, 2016, Plaintiff Tamika Hartley, a prison inmate in the custody of the Michigan Department of Corrections ("MDOC"), filed a *pro se* civil complaint under 42 U.S.C. § 1983. The Defendants, MDOC employees, have filed a motion to dismiss [Doc. #23].

On June 15, 2016, the Court assigned attorney Ryan Clayton Williams as *pro bono* counsel for Plaintiff [Doc. #18]. However, on March 20, 2017, the Court granted Mr. Williams' motion to withdraw based on a breakdown in the attorney-client relationship, and stayed proceedings pending further order of the Court [Doc. #31]. The Plaintiff has not yet been afforded new counsel, and has therefore not yet filed a response to the motion to dismiss.

This Court has already determined that "the issues presented would be better developed, and a more complete presentation of the case made, if the plaintiff proceeded

with the assistance of counsel.” *Order Assigning Pro Bono Counsel for Plaintiff* [Doc. #18]. It is not in the interest of the Plaintiff, the Defendants, or this Court to determine the pending motion to dismiss until the issues have been fully addressed by counsel on both sides. Therefore, the motion to dismiss [Doc. #23] is DISMISSED WITHOUT PREJUDICE.¹

I will re-refer this case to the Court’s *Pro Bono* Panel for expedited assignment to another attorney. Defendants may re-file their motion to dismiss when new counsel files an appearance on behalf of Defendants, or within 45 days of the date of this Order, whichever date comes first.

If new counsel files an appearance within 45 days of the date of this Order, he/she will file a response to Defendants’ re-filed motion to dismiss within 30 days of when the renewed motion is filed.

If new counsel is not obtained for Plaintiff within 45 days of the date of this Order, she will proceed without counsel, and Defendants will serve her with any motions by mail. In such case, the Court will set a new date for her to respond to the renewed motion to dismiss.

The stay of proceedings [Doc. #31] is VACATED.

IT IS SO ORDERED.

Dated: September 8, 2017

s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

¹ In so ordering, I do not address the merits or undertake any consideration of the merits of the Defendants’ motion to dismiss.

CERTIFICATE OF SERVICE

I hereby certify on September 8, 2017 that I electronically filed the foregoing paper with the Clerk of the Court sending notification of such filing to all counsel registered electronically. I hereby certify that a copy of this paper was mailed to non-registered ECF participants September 8, 2017.

**s/Carolyn M. Ciesla
Case Manager for the
Honorable R. Steven Whalen**